

City Council Introduction: **Monday**, November 26, 2001
Public Hearing: **Monday**, December 3, 2001, at **1:30 p.m.**

Bill No. 01R-315

FACTSHEET

TITLE: **SPECIAL PERMIT NO. 1942**, requested by Mark Whitehead, for authority to sell alcoholic beverages for consumption off the premises, on property generally located northeast of South 27th Street and Porter Ridge Road.

STAFF RECOMMENDATION: Conditional Approval.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: Consent Agenda, 11/14/01
Administrative Action: 11/14/01

RECOMMENDATION: Conditional Approval (9-0: Krieser, Newman, Steward, Bills, Taylor, Duvall, Carlson, Hunter and Schwinn voting 'yes').

FINDINGS OF FACT:

1. The staff recommendation of conditional approval is based upon the "Analysis" as set forth on p.3-5.
2. This application was placed on the Consent Agenda of the Planning Commission on November 14, 2001, and opened for public hearing. No one came forward to speak.
3. The Planning Commission agreed with the staff recommendation.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: November 19, 2001

REVIEWED BY: _____

DATE: November 19, 2001

REFERENCE NUMBER: FS\CC\FSSP1942

CITY OF LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S. Special Permit #1942

DATE: October 30, 2001

PROPOSAL A special permit to allow the sale of alcoholic beverages for consumption off the premises.

LAND AREA: Approximately .6 acres.

CONCLUSION: This request complies with the requirements of the Zoning Ordinance and is consistent with the Comprehensive Plan.

RECOMMENDATION:	Conditional Approval
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GENERAL INFORMATION

LEGAL DESCRIPTION: Lot 1, South Ridge Village 7th Addition.

LOCATION: Northeast of South 27th Street and Porter Ridge Road

OWNER: South Ridge Village, LLC
2929 Pine Lake Road Suite C
Lincoln, NE 68516

APPLICANT: Mark Whitehead
2537 Randolph Street
Lincoln, NE 68516

CONTACT: Same

EXISTING ZONING: H4 General Commercial District

EXISTING LAND USE: A convenience food store/service station that includes a car wash is currently under construction on this site.

SURROUNDING LAND USE AND ZONING:

North	Vacant	H4
South	Automobile Sales	H4
East	Vacant	H4
West	Restaurant, Fast-food Restaurant	B2

HISTORY: FP#01040 - The final plat of South Ridge Village 7th Addition was approved August 3, 2001 creating Lot 1 and Outlot A.

AA#1049 - An administrative amendment was approved on August 6, 2001 to allow the convenience store/service station in the current configuration on Lot 1.

SP#1629 - A special permit was approved December 12, 1996 allowing 215,000 square feet of planned service commercial southeast of South 27th Street and Pine Lake Road.

COMPREHENSIVE PLAN SPECIFICATIONS: The Comprehensive Plan designates commercial land use in this area. The following goal from the Comprehensive Plan is applicable:

1. Chapter III (D)(9) pg. 67 - Goal #2 - Provide geographically convenient and accessible retail areas throughout the city and county so as to provide the widest possible variety of goods and services.

ANALYSIS

OVERVIEW:

This site is located in the mixed-use center at South 27th Street and Pine Lake Road. This center is being developed consistent with the Comprehensive Plan, and will offer a wide array of goods and services at full build-out. The property involved in this request is being developed with a convenience food store/service station with an attached car wash, and is a use expected to be found in this area. This special permit request is to allow the sale of alcoholic beverages from the convenience food store for consumption off the site.

1. SPECIAL PERMIT REQUIREMENTS PER LMC 27.63.685: Alcoholic beverages may be sold for consumption off the premises in the B-1, B-3, H-1, H-2, H-3, H-4, and I-1 zoning districts upon the approval of a special permit. A special permit for such use may be granted subject to the requirements of the respective districts, all applicable ordinances, and the following conditions, which can be waived by the City Council:

(a) Parking shall be in accordance with Section 27.67.020 of the Lincoln Municipal Code.

The parking provided complies with the requirements of LMC Section 27.67.020.

(b) The sale of alcoholic beverages for consumption off the premises shall not be permitted without issuance of a permit under Section 27.63.680 of this code.

This application is for a special permit to allow for off-premises consumption.

(c) The licensed premises of any building approved for such activity must be located no closer than 100 feet from a day care facility, a residential district or residential use, or, if a lesser distance, must mitigate any adverse effects of the reduction in distance through landscaping, screening, or other methods approved by the Planning Director.

There are no residences or residential districts within 100' of the premises.

(d) Any lighting on the property shall be designed and erected in accordance with all applicable lighting regulations and requirements.

All lighting will be required to comply with the Design Standards for parking lot lighting (Chapter 3.45, Section 3.8) prior to issuance of a building permit.

(e) Vehicle stacking for a drive-through window used as any part of the permitted business operation shall not be located in any required building setback from a residential district.

A drive-through window is not being proposed for the convenience food store.

(f) The use shall not have any amplified outside sound or noise source, including bells, buzzers, pagers, microphones, or speakers within 150 feet of any residential district. This shall not apply to sound sources audible only to the individual to whom they are directed, such as personal pagers, beepers, or telephones.

No such devices are proposed with this special permit.

(g) No access door to the business, including loading or unloading doors, shall face any residential district if such doors are within 150 feet of the residential district. This shall not apply to emergency exit doors required by building or safety codes. No door facing a residential district shall be kept open during the operation of the establishment.

The door faces south and does not face a residential district.

(h) Vehicular ingress and egress to and from the property shall be designed to avoid, to the fullest extent possible as determined by the City Council, disruption of any residential district. Particular attention shall be given to avoiding designs that encourage use of residential streets for access to the site instead of major streets.

Primary access to this site is provided by Porter Ridge Road to South 27th Street, and not residential streets.

(i) All other regulatory requirements for liquor sales shall apply, including licensing by the state.

(j) The City Council may consider any of the following as cause to revoke the special permit approved under these regulations:

(1) Revocation or cancellation of the liquor license for the specially permitted premises; or

(2) Repeated violations related to the operation of the permittee's business.

Planning Commission review and City Council approval is required for this use.

2. POLICE RESPONSE: The Lincoln Police Department has no objections to this special permit request.

CONDITIONS:

1. This approval permits the sale of alcohol for consumption off the premises at the establishment located on Lot 1, South Ridge Village 7th Addition.
2. The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
3. This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
4. Construction plans shall comply with the approved plans.
5. The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.

Prepared by:

Brian Will, AICP
Planner

SPECIAL PERMIT NO. 1942

CONSENT AGENDA

PUBLIC HEARING & ADMINISTRATIVE ACTION

BEFORE PLANNING COMMISSION:

November 14, 2001

Members present: Bills, Carlson, Duvall, Hunter, Krieser, Newman, Schwinn, Steward and Taylor.

The Consent Agenda consisted of the following items: **CHANGE OF ZONE NO. 3344; CHANGE OF ZONE NO. 3345; SPECIAL PERMIT NO. 1942; SPECIAL PERMIT NO. 1944; FINAL PLAT NO. 00035, FINIGAN RIDGE ADDITION; FINAL PLAT NO. 01012, WILMER'S 2ND ADDITION; FINAL PLAT NO. 01020, NORTH CREEK BUSINESS PARK ADDITION; COUNTY FINAL PLAT NO. 01029, POST ROCK PINES; STREET AND ALLEY VACATION NO. 01020; WAIVER OF DESIGN STANDARDS NO. 01019; and MISCELLANEOUS NO. 01011.**

Item No. 1.2, Change of Zone No. 3345; Item No. 1.4, Special Permit No. 1944; and Item No. 1.11, Miscellaneous No. 01011 were removed from the Consent Agenda and scheduled for separate public hearing.

Newman moved to approve the remaining Consent Agenda, seconded by Steward and carried 9-0: Bills, Carlson, Duvall, Hunter, Krieser, Newman, Schwinn, Steward and Taylor voting 'yes'.

Note: This is final action on Special Permit No. 1944; Finigan Ridge Addition Final Plat No. 00035; Wilmer's 2nd Addition Final Plat No. 01012; and North Creek Business Park Addition Final Plat No. 01020, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days of the action by Planning Commission.